

KLINEDINST PC  
801 K STREET, SUITE 2100  
SACRAMENTO, CALIFORNIA 95814

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

DAVID AVILA AND JOHN HAYNE,

Plaintiff,

v.

NEWREZ, LLC D/B/A SHELLPOINT  
MORTGAGE SERVICING, JP MORGAN  
MORTGAGE ACQUISITION  
CORPORATION, PEAK FORECLOSURE  
SERVICES, INC., and DOES 1-10,

Defendants.

Case No. 2:24-cv-02264-TLN-CSK

**[PROPOSED] ORDER GRANTING  
MOTION TO DISMISS PLAINTIFF'S  
COMPLAINT**

Date: November 19, 2025  
Time: 10:00 a.m.  
Location: Courtroom 25  
501 I Street, 8th Floor  
Sacramento, CA 95814  
Judge: Hon. Chi Soo Kim

This Court, having considered Defendants NEWREZ, LLC D/B/A SHELLPOINT MORTGAGE SERVICING AND JP MORGAN MORTGAGE ACQUISITION CORPORATION's ("Defendant") Motion to Dismiss Plaintiffs DAVID AVILA AND JOHN HAYNE's ("Plaintiffs") Complaint, as well as the related briefing, exhibits, matters judicially noticeable, and arguments presented in support of and in opposition thereto, and having found good cause for the relief sought therein, HEREBY ORDERS THAT:

Defendants' Motion to Dismiss Plaintiff's Complaint, as to Defendants, is GRANTED.

The Complaint is hereby dismissed with prejudice as to Defendants.

Defendants shall prepare a Judgment of Dismissal, consistent herewith.

IT IS SO ORDERED.

DATED: October \_\_, 2024

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HON. CHI SOO KIM

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